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EXAMINER

WU, DOROTHY

ART UNIT PAPER NUMBER

2615

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/442,387

Applicant(s)

HOMMA ET AL.

Examiner

Dorothy Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's argument regarding claim 11 as a generic claim is persuasive. The restriction requirement has been withdrawn and claims 1-4 have been rejoined and examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Vrvilo, U.S. Patent 6,354,748.

Regarding claim 9, Vrvilo teaches a camera (camera 102 within PC system) capable of communicating with another communication device (PC system) (col. 3, lines 55-56), comprising: a communication device (conferencing system 100) to communicate with another communication apparatus (col. 3, lines 55-56); an announcing device (CMDLL 544) to announce

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an incoming call that comes from another communication device, to a camera user (col. 22, lines 46-48); an imaging device to convert an object to an electronic image signal (col. 4, lines 6-7); and a preventing device (procedure to disable all top-level windows when an incoming call is pending) to prevent shooting with the imaging device while the announcing device is announcing the incoming call (col. 22, lines 63-67).

Regarding claim 11, Vrvilo teaches a camera (camera 102 within PC system) capable of communicating with another communication device (PC system) (col. 3, lines 55-56), comprising: a communication device (ISDN network) to communicate with another communication apparatus (Fig. 1); an imaging device to convert an object to an electronic image signal (col. 4, lines 6-7); and a preventing device (procedure to disable all top-level windows when an incoming call is pending) to prevent shooting with the imaging device during an incoming call from another communication device (col. 22, lines 63-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al, U.S. Patent 6,344,875.

Regarding claim 1, Hashimoto teaches a camera capable of communicating with another communication device, comprising a communication device (interface circuit 27) to

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communicate with another communication apparatus (communication device 29) (col. 8, lines 6-11; Fig. 8) and an imaging device (image photographing element 9) to convert an object to an electronic image signal (col. 6, lines 41-42). Hashimoto teaches that the camera has a shooting mode in which shooting is performed by said imaging device (col. 3, line 63-col. 4, line 4).

Hashimoto teaches that when a connection between the camera and communication device is detected, the camera is readied to either receive images from a communication device or transmit images to the communication device (col. 10, lines 48-54; col. 11, lines 5-15), which reads on a communication mode in which communication is performed by said communication device. The switching device to switch between the communication mode and shooting mode in accordance with the detection of a connection between the camera and communication device is inherently taught. Furthermore, it would have been obvious that when the transmission of images between camera and communication device has been completed, an operator would disconnect the connection between the camera and communication device, therein switching the camera from the communication mode to the shooting mode.

Regarding claim 2, Hashimoto teaches a camera capable of communicating with another communication device, comprising a communication device (interface circuit 27) to communicate with another communication apparatus (communication device 29) (col. 8, lines 6-11; Fig. 8) and an imaging device (image photographing element 9) to convert an object to an electronic image signal (col. 6, lines 41-42). Hashimoto teaches that the camera has a shooting mode in which shooting is performed by said imaging device (col. 3, line 63-col. 4, line 4). Hashimoto teaches that when a connection between the camera and communication device is detected, the camera is readied to either receive images from a communication device or transmit

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images to the communication device (col. 10, lines 48-54; col. 11, lines 5-15), which reads on a communication mode in which communication is performed by said communication device. The switching device to switch between the communication mode and shooting mode in accordance with the detection of a connection between the camera and communication device is inherently taught. Furthermore, it would have been obvious that when the operator has completed shooting, he would connect the camera to the communication device to transmit images from the camera to the communication device, which reads on the switching of the camera from the shooting mode to the communication mode in response to the completion of shooting.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Lavelle et al, U.S. Patent 6,362,851, in view of Fandrianto et al, U.S. Patent 6,441,842.

Regarding claim 3, Lavelle teaches a camera capable of communicating with another communication apparatus (digital computer 110) through a serial link (col. 3, lines 16-17). The communication device is inherently taught. Lavelle teaches an imaging device (CCD) to convert an object to an electronic image signal (col. 2, line 10). Lavelle teaches that if a camera is busy taking pictures, which reads on shooting with said imaging device, it is not required to respond to any other incoming commands (col. 12, lines 34-36). Lavelle does not teach a control device to

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control the camera to store a signal transmitted from another communication device during shooting with said imaging device. Fandrianto teaches a command queue 106 with 4 registers, which executes commands in the order they are received and which stores commands until conditions are met that allow their execution to happen (col. 15, lines 51-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the command buffer of Fandrianto in the apparatus of Lavelle to make a camera capable of communicating with another device that buffers commands. One of ordinary skill would have been motivated to make such a modification to ensure that a camera would receive multiple commands from a host without using a complicated handshaking operation.

6. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Lavelle et al, U.S. Patent 6,362,851.

Regarding claim 4, Lavelle teaches a camera capable of communicating with another communication apparatus (digital computer 110) through a serial link (col. 3, lines 16-17). The communication device is inherently taught. Lavelle teaches an imaging device (CCD) to convert an object to an electronic image signal (col. 2, line 10). Lavelle teaches that if a camera is busy taking pictures, which reads on shooting with said imaging device, it is not required to respond to any other incoming commands (col. 12, lines 34-36). Lavelle teaches that the signals sent from the camera to the host includes a "not acknowledge," which can be send when a command is invalid due to the current state of the camera (col. 12, lines 60-63; col. 13, lines 4-6). It would have been obvious to one of ordinary skill for the camera to send a "not acknowledge" signal, which reads on a transmitted message, to the caller (digital computer 110) upon receiving a

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communication from the caller during shooting with said imaging device, when the camera is not required to respond to incoming commands during shooting.

Allowable Subject Matter

7. Claims 5-8, and 12 allowed.

Regarding claims 5-8, the prior art does not teach a camera capable of communicating with another communication device comprising an imaging device to convert an object to an electronic image signal, a detecting device to detect a state of the camera which is related to photographing, and a prohibiting device to prohibit at least vibration announcing among the plurality of announcing manners for the incoming call responsive to the state of the camera detected by the detecting device.

Regarding claim 12, the prior art does not teach a camera comprised of the combination of: a communication device to communicate with another apparatus; an imaging device to convert an object to an electronic image signal; a switching device to switch a mode between a communication mode and a shooting mode, wherein the switching device switches from the communication mode to the shooting mode when communication is completed and switches from the shooting mode to the communication mode when shooting is completed; a control device to control the camera to store a signal transmitted from another communication device during shooting with said image device and to control said communication device to transmit a message to a caller upon receiving a communication from the caller during shooting with said imaging device; an announcing device to announcing an incoming call, a detecting device to detect a state of the camera which is related to photographing, a prohibiting device to prohibit

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announcing an incoming call responsive to the state of the camera detected by the detecting device; and a preventing device to prevent shooting with the imaging device while the announcing device is announcing the incoming call.

8. Claim 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach a camera capable of communicating with another communication device comprising a preventing device that prevents shooting with the imaging device while the announcing device is announcing the incoming call by vibration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dwight W.

DW

May 3, 2004



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